

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 19793-AG20-1028-198

IN THE MATTER OF:)

Christine Matheney)
23595 W. Edgeview Ct.)
Deer Park, IL 60010)

Respondent.)

Producer License Number: 485397)
Surplus Lines License Number: 3269946)

Type of Agency Action: Enforcement)

FILED

APR 01 2021

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Enforcement Division of the Indiana Department of Insurance ("Department"), by its counsel, Victoria Hastings, and Christine Matheney ("Respondent"), a licensed nonresident insurance producer and a licensed surplus lines producer in Indiana, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of Insurance (the "Commissioner") for approval.

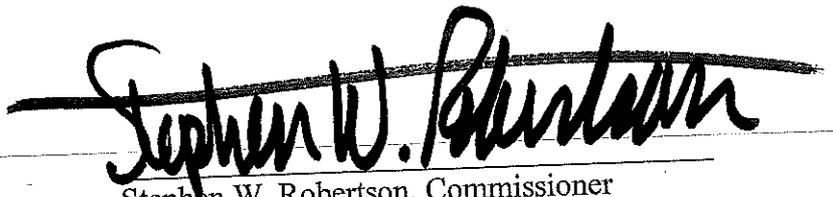
The Commissioner, after reviewing the Agreed Entry, which levies a civil penalty in the amount of two thousand dollars (\$2,000), and places her nonresident producer license and surplus lines license on probation for a period of three (3) years, during which time, Respondent will be required to submit a current list of appointments by US Postal Service every six (6) months from the date of this Final Order, due to Respondent's failure to timely submit the Patient Compensation Fund surcharge she collected on behalf of the Patient Compensation Fund, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent shall pay a civil penalty in the amount of two thousand-dollar (\$2,000) to the Department within thirty (30) days after the Commissioner signs this Final Order. Failure to timely pay the civil penalty, may result in the Department seeking immediate revocation of Respondent's license.
2. Respondent's nonresident producer license #485397 and surplus line license #3269946 shall be placed on probation for a period of three (3) years, beginning the date the Commissioner signs this Final Order. During the probationary period, any violations of Title 27 of the Indiana Code may result in the Department seeking immediate revocation of Respondent's license. During the probationary period, Respondent shall submit a current list of appointments by US Postal Service, to the attention of Melissa Higgins, Supervising Investigator of the Enforcement Division, every six (6) months from the date of this Final Order.

4-1-2021

Dated



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Victoria Hastings, Attorney
ATTN: Melissa Higgins, Supervising Investigator
Indiana Department of Insurance
311 West Washington Street, Suite 103,
Indianapolis, Indiana 46204-2787

Christine Matheney
23595 W. Edgeview Ct.
Deer Park, IL 60010

STATE OF INDIANA)
COUNTY OF MARION)

) SS:
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BEFORE THE INDIANA
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STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by and between the Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Victoria Hastings, and Christine Matheney ("Respondent") to resolve all issues in the above-captioned cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner of the Indiana Department of Insurance ("Commissioner").

WHEREAS, Indiana Code § 34-18-5-3(a) provides that the Indiana Patient's Compensation Fund ("PCF") surcharge on medical malpractice insurance, used to finance the PCF, shall be collected on the same basis as premiums by each insurer, risk manager, or surplus lines producer;

WHEREAS, Indiana Code § 34-18-5-3(b) provides that the payment of the surcharge is due and payable with thirty (30) days after the premium for malpractice liability insurance has been received by the insurer, risk manager, or surplus lines producer from a health care provider in Indiana;

WHEREAS, Respondent's book of business includes health care providers in Indiana;

WHEREAS, on or around September 2, 2020, Respondent paid eighteen thousand, eight hundred and ninety-three dollars (\$18,893) in late surcharge amounts on behalf of six (6) insureds, who are health care providers in Indiana, representing six (6) policy periods, all of which were for policies that should have become effective on or around sixteen months (16) prior to the remittance to PCF;

WHEREAS, Indiana Code § 27-1-15.8-2, states in part, that the provisions of Indiana Code § 27-1-15.6-12 apply to the licensure of a surplus lines producer;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(8) states, in part, that the Commissioner may place an insurance producer on probation and levy a civil penalty for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere; and

WHEREAS, the Department and Respondent (collectively, "the Parties") desire to resolve this matter without the necessity of a hearing.

IT IS, THEREFORE, NOW AGREED by and between the Parties as follows:

1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. In order to avoid formal litigation in this matter, Respondent has determined that it is in her best interests to enter into this Agreed Entry. As such, Respondent acknowledges that she executes this Agreed Entry with full realization of its contents and effects.
3. This Agreed Entry is executed knowingly, voluntarily, and freely by the Parties. The Parties agree that the terms of this Agreed Entry constitute final resolution of this matter.

4. Respondent knowingly, voluntarily and freely waives the right to a public hearing on this matter, including the right to appear in person before the Commissioner, present evidence, cross-examine witnesses, and present arguments.
5. Respondent knowingly, voluntarily, and freely waives the right to judicial review of this matter or otherwise appeal or challenge the validity of this Agreed Entry.
6. Respondent knowingly, voluntarily, and freely waives, releases, and forever discharges all claims or challenges, known or unknown, against the Department, its Commissioner, employees, agents, and representatives, in their individual and official capacities, that arise out of or are related to the Agreed Entry or Final Order, including but not limited to any act or omission as part of the underlying audit, investigation, negotiation, or approval process.
7. Respondent shall pay a civil penalty in the amount of two thousand dollars (\$2,000) to the Department within thirty (30) days after the Commissioner signs the Final Order adopting this Agreed Entry. Failure to timely pay the civil penalty may result in the Department revoking your nonresident producer license.
8. Respondent's nonresident producer license #485397 and surplus lines license #3269946 shall be placed on probation for a period of three (3) years, beginning the date the Commissioner signs the Final Order adopting this Agreed Entry. During the probationary period, any violations of Title 27 of the Indiana Code may result in the Department seeking immediate revocation of Respondent's license. During the probationary period, Respondent shall submit a current list of appointments to the Department every six (6) months from the date of the Final

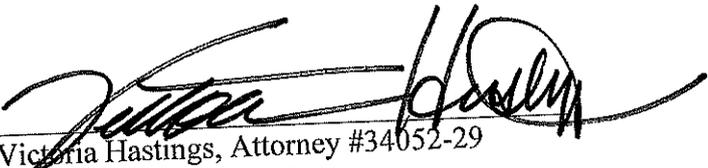
Order by US Postal Service to the attention of Melissa Higgins, Supervising Investigator of the Enforcement Division.

9. Respondent has carefully read and examined this Agreed Entry and fully understands its terms.
10. Respondent has had the opportunity to have this Agreed Entry reviewed by legal counsel of her choosing, at her own expense, and is aware of the benefits gained and obligations incurred by the execution of this Agreed Entry. Respondent understands and agrees that the Department cannot give her legal advice.
11. Respondent has entered into this Agreed Entry knowingly, voluntarily, and freely, and has not been subject to duress, coercion, threat, or undue influence.
12. This Agreed Entry constitutes the entire agreement between the Parties, and no other promises or agreements, express or implied, have been made by the Department or by any employee, director, agent or other representative thereof to induce Respondent to enter this Agreed Entry.
13. In the event the Department finds there has been a breach of any of the provisions of this Agreed Entry, the Department may reopen this matter and pursue alternative action pursuant to Indiana Code § 27-1-15.6-12.
14. Respondent waives any applicable statute of limitations for purposes of any enforcement of the terms and conditions of this Agreed Entry.
15. Respondent acknowledges that this Agreed Entry may be admitted into evidence in any judicial or administrative proceeding against Respondent to enforce the terms and conditions contained herein.

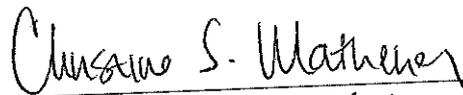
16. Respondent understands that this Agreed Entry resolves only the matter pending with the Department and does not affect any criminal prosecution or civil litigation that may be pending or hereinafter commence against Respondent.
17. This Agreed Entry does not in any way affect the Department's authority in future audits, investigations, examinations, negotiations, or other complaints involving Respondent.
18. It is expressly understood that this Agreed Entry is subject to the Commissioner's acceptance and has no force or effect until such acceptance is evidenced by the entry of a Final Order by the Commissioner.
19. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to, and consideration of this Agreed Entry by the Commissioner, shall not unfairly or illegally prejudice the Commissioner or Respondent from further participation in or resolution of these proceedings.
20. If this Agreed Entry is accepted by the Commissioner, it will become part of Respondent's permanent record and may be considered in future actions brought by the Department or any other regulator against Respondent. It is further understood that, if accepted by the Commissioner, this Agreed Entry and resulting Final Order are public records pursuant to Indiana Code § 4-21.5-3-32 that may not be sealed or otherwise withheld from the public, and may be reported to the National Association of Insurance Commissioners and published on the Department's website as required.

21. Respondent acknowledges that this is an Administrative Action she may be required to report to other jurisdictions in which she is licensed and on future licensing applications.

3/11/2021
Date Signed


Victoria Hastings, Attorney #34052-29
Indiana Department of Insurance

2/25/2021
Date Signed


Christine Matheney, Respondent

STATE OF ILLINOIS)
COUNTY OF COOK ^{AS} LAKE) SS:

Before me a Notary Public for COOK ^{AS} LAKE County, State of Illinois,
personally appeared Christine Matheney, and being first duly sworn by me upon her oath, says
that the facts alleged in the foregoing instrument are true.

Signed and sealed this 25th day of FEB, 2021.

Sitalakshmi Arumugam

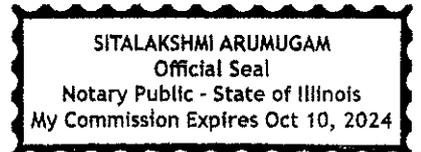
Signature

SITALAKSHMI ARUMUGAM

Printed

My Commission expires: 10/10/24

County of Residence: KANE



Return executed originals to:
INDIANA DEPARTMENT OF INSURANCE
Enforcement Division, Suite 103
311 West Washington Street
Indianapolis, IN 46204-2787
317/234-5885 - telephone
317/234-2103- facsimile